



THE ASSAM GAZETTE

অসাধাৰণ

EXTRAORDINARY

প্ৰাপ্ত কৰ্তৃত্ব দ্বাৰা প্ৰকাশিত

PUBLISHED BY THE AUTHORITY

নং 301 দিশপুৰ, মঙ্গলবাৰ, 21 জুলাই, 2020, 30 আশাৰ, 1942 (শক)
No. 301 Dispur, Tuesday, 21st July, 2020, 30th Asadha, 1942 (S. E.)

GOVERNMENT OF ASSAM
ORDERS BY THE GOVERNOR
ELECTION DEPARTMENT :::: DISPUR

NOTIFICATION

The 15th July, 2020
24 Ashadha, 1942 (Saka)

No. ELE.94/2018/509.- The Election Commission of India's two Notification, No. 76/AS-HP/2019/NES-II dated 8th July, 2020 are hereby re-published for general information.

No. 76/AS-HP/2019/NES-II

Dated: 14th July, 2020

By Registered A.D.

1. The Chief Electoral Officer, Assam with a copy of the Commission's Order with the request that the Order may please be published in the next issue of State Gazette and three off take copies thereof may be forwarded to the Commission soon after its publication.

By Registered A.D.

2. The District Election Officer & Deputy Commissioner, the District Election Officer and Deputy Commissioner, **Kamrup, Assam**, with the request that one copy of the Order may be exhibited on the notice board. The persons concerned may be informed of the contents of the Commission's order.

3. CEM Section-I

4. File concerned.

5. Guard File.

(SANTOSH KUMAR DUBEY)
UNDER SECRETARY

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.76/AS-HP/2019/NES-II

Dated : 08th July, 2020

17 Ashadha,, 1942 (Saka)

ORDER

WHEREAS, the General Election to the Lok Sabha in the state of Assam, 2019 was announced by Election Commission of India vide Press Note No ECI/PN/23/2019 dated 10.03.2019. As per the schedule Date of Counting was 23.05.2019.

AND WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate has to lodge a true copy of his account of election expenses within 30 days with the District Election Officer, from the date of election returned candidate;

AND WHEREAS, the result of the said election was declared by the concerned Returning Officer including 07-Gauhati Parliamentary Constituency on 23.05.2019. As such the last date for lodging of account of election expenses was 22.06.2019.

AND WHEREAS, as per the report dated 24.06.2019 submitted by the District Election Officer, Kamrup District, Assam and forwarded by Chief Electoral Officer, Assam vide letter No.ELE 94/2018/227 dated 08.07.2019, **Shri Alimuddin Ahmed**, Independent contesting candidate from 07-Gauhati Parliamentary Constituency of Assam, has failed to lodge any account of his election expenses as required by law.

AND WHEREAS, on the basis of the reports of the District Election Officer, Kamrup District, Assam and the Chief Electoral Officer, Assam, a Show Cause notice dated 20.09.2019 was issued by the Election Commission of India under Sub Rule (5) of Rule 89 of the Conduct of Election Rules, 1961 to **Shri Alimuddin Ahmed** for non submission of Election expenses;

AND WHEREAS, as per Sub Rule(6) of Rule 89 of the Conduct of Election Rules, 1961, through the above said Show Cause Notice dated 20.09.2019, **Shri Alimuddin Ahmed**, was directed to submit his representation in writing in the Commission explaining the reason for non submission of accounts and also to lodge his accounts of election expenses/rectify the defects in his accounts and submit the same the District Election Officer concerned within 20 days from the date of receipt of the notice;

AND WHEREAS, the said notice were received by **Shri Alimuddin Ahmed**, on 12.03.2020. Acknowledgment receipt obtained from the candidate have been submitted to the Commission by District Election Officer, Kamrup vide his letter No.ELE(K)/EXP/1/2/74 dated 11.05.2020 .

AND WHEREAS, in the supplementary report submitted by District Election Officer, Kamrup vide his letter No.ELE(K)/EXP/1/2/74 dated 11.05.2020 has stated that **Shri Alimuddin Ahmed**, has not submitted any representation or a statement of correct account of his election expenses, duly signed along with original vouchers etc. till date. Further, he has neither furnished any reason nor explanation for the said failure even after receipt of the due notice to the Election Commission of India as well;

AND WHEREAS, the Commission satisfied that **Shri Alimuddin Ahmed**, has failed to lodge an account of election expenses and has no good reason or justification for the failure;

AND WHEREAS, Section 10 A of the Representation of the People Act, 1951 stipulates that:-

"If the Election Commission is satisfied that a person-

- (a) Has failed to lodge an account of election expenses within the time and in the manner required by law or under this Act; and
- (b) Has no good reason or justification for the failure the Election Commission shall by order published in the official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from date of the under;

NOW THEREFORE , in pursuance of Section 10 A of the Representation of the People Act, 1951, the Election Commission of India hereby declares **Shri Alimuddin Ahmed resident of Vill-NC Pub Kajiya, P.O.Kalarchar, P.S.Bhangnamari, Distt.-Nalbari (Assam)** and the contesting Independent candidate for the General Election to the Lok Sabha in the state of Assam, 2019 from 07-Gauhati Parliamentary Constituency of the state of Assam to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order.

By order,

(NARENDRA N BUTOLIA)
SENIOR PRINCIPAL SECRETARY
ELECTION COMMISSION OF INDIA

ELECTION COMMISSION OF INDIA
Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No.76/AS-HP/2019/NES-II

Dated : 08th July, 2020
17 Ashadha, 1942 (Saka)

ORDER

WHEREAS, the General Election to the Lok Sabha in the state of Assam, 2019 was announced by Election Commission of India vide Press Note No ECI/PN/23/2019 dated 10.03.2019. As per the schedule Date of Counting was 23.05.2019.

AND WHEREAS, as per Section 78 of the Representation of the People Act, 1951, every contesting candidate has to lodge a true copy of his account of election expenses within 30 days with the District Election Officer, from the date of election returned candidate;

AND WHEREAS, the result of the said election was declared by the concerned Returning Officer including 07-Gauhati Parliamentary Constituency on 23.05.2019. As such the last date for lodging of account of election expenses was 22.06.2019.

AND WHEREAS, as per the report dated 24.06.2019 submitted by the District Election Officer, Kamrup District, Assam and forwarded by Chief Electoral Officer, Assam vide letter No.ELE 94/2018/227 dated 08.07.2019, **Shri Sadek Ali**, Republican Party of India contesting candidate from 07-Gauhati Parliamentary Constituency of Assam, has failed to lodge any account of his election expenses as required by law.

AND WHEREAS, on the basis of the reports of the District Election Officer, Kamrup District, Assam and the Chief Electoral Officer, Assam, a Show Cause notice dated 20.09.2019 was issued by the Election Commission of India under Sub Rule (5) of Rule 89 of the Conduct of Election Rules, 1961 to, **Shri Sadek Ali** for non submission of Election expenses;

AND WHEREAS, as per Sub Rule(6) of Rule 89 of the Conduct of Election Rules, 1961, through the above said Show Cause Notice dated 20.09.2019, **Shri Sadek Ali**, was directed to submit his representation in writing in the Commission explaining the reason for non submission of accounts and also to lodge his accounts of election expenses/rectify the defects in his accounts and submit the same the District Election Officer concerned within 20 days from the date of receipt of the notice;

AND WHEREAS, the said notice were received by, **Shri Sadek Ali**, on 12.03.2020. Acknowledgment receipt obtained from the candidate have been submitted to the Commission by District Election Officer, Kamrup vide his letter No.ELE(K)/EXP/1/2/74 dated 11.05.2020 .

AND WHEREAS, in the supplementary report submitted by District Election Officer, Kamrup vide his letter No.ELE(K)/EXP/1/2/74 dated 11.05.2020 has stated that , **Shri Sadek Ali** , has not submitted any representation or a statement of correct account of his election expenses, duly signed along with original vouchers etc. till date. Further, he has neither furnished any reason nor explanation for the said failure even after receipt of the due notice to the Election Commission of India as well;

AND WHEREAS, the Commission satisfied that, **Shri Sadek Ali**, has failed to lodge an account of election expenses and has no good reason or justification for the failure;

AND WHEREAS, Section 10 A of the Representation of the People Act, 1951 stipulates that :-

"If the Election Commission is satisfied that a person-

- (c) Has failed to lodge an account of election expenses within the time and in the manner required by law or under this Act; and
- (d) Has no good reason or justification for the failure the Election Commission shall by order published in the official Gazette, declare him to be disqualified and any such person shall be disqualified for a period of three years from date of the under;

NOW THEREFORE, in pursuance of Section 10 A of the Representation of the People Act, 1951, the Election Commission of India hereby declares **Shri Sadek Ali, resident of Vill-Sila, P.O. & P.S.-Changsari, Distt.Kamrup (Assam).** and the contesting Republican Party of India candidate for the General Election to the Lok Sabha in the state of Assam, 2019 from 07-Gauhati Parliamentary Constituency of the state of Assam to be disqualified for being chosen as and for being a member of either House of Parliament or the Legislative Assembly or Legislative Council of a State or Union Territory for a period of three years from the date of this order.

By order,

(NARENDRA N BUTOLIA)
SENIOR PRINCIPAL SECRETARY
ELECTION COMMISSION OF INDIA

NITIN KHADE,
Chief Electoral Officer, Assam,
Dispur.